

Remarks

In view of the foregoing amendments and following remarks responsive to the Office Action dated January 25, 2008, Applicant respectfully requests favorable reconsideration of this application. Applicants have herein amended claims 1 and 16 in order to more particularly point out and distinctly claim the present invention.

Claim Rejections, 35 U.S.C. § 103

On page 3 of the Office Action, the Examiner rejected Claims 1-7, 9-11, 13-16, 19 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2005/0015815 A1 to Shoff et al. ("Shoff") in view of U.S. Patent No. 5,948,061 to Merriman et al. ("Merriman"). On page 10 of the Office Action, the Examiner rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Shoff in view of Merriman and further in view of U.S. Patent No. 5,745,109 to Nakano et al. ("Nakano"). On page 11 of the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over Shoff in view of Merriman, and further in view of U.S. Patent No. 5,923,379 to Patterson. These rejections are respectfully traversed.

The Present Invention

The present claimed invention teaches a method and system for interactive broadcast and web information viewing.

Claim 1, as amended, recites:

An information system, comprising:
a controller, for generating an image representative signal adapted for use by a display device;
a broadcast interface, for applying broadcast information to a controller; and
an interactive information interface, for applying interactive information to said controller;
said controller including said broadcast information, said interactive information and a user selectable element in said image representative signal such that corresponding presented imagery includes an interactive portion, a broadcast portion and a user selectable element, and
wherein said interactive information interface retrieves information from a network in response to the reception of broadcast information, the information being specified by the user using the user selectable element.

In the invention of claim 1, information is retrieved from a network according to selections made by the user using the user selectable element.

Claim 16, as amended, recites:

A method of displaying information comprising:
initializing a display system;
receiving selected web content;
receiving broadcast content;
receiving personalized indicia within at least an out-of-band portion of a television signal;
altering the broadcast content according to the personalized indicia;
formatting received web content, received broadcast content, and received personalized indicia into video information; and
displaying video information to simultaneously produce interactive information having a user selectable element and a television broadcast.

In the invention of claim 16, personal indicia are received from within at least an out-of-band portion of a television signal and the broadcast content is altered according to the personal indicia.

U.S. Patent Application No. 2005/0015815 A1 to Shoff et al.

U.S. Patent Application No. 2005/0015815 A1 to Shoff et al. ("Shoff") teaches an interactive entertainment system that enables presentation of supplemental interactive content alongside traditional broadcast video programs, such as television shows and movies. The programs are broadcast in a conventional manner. The supplemental content is supplied as part of the same program signal over the broadcast network, or separately over another distribution network. A viewer computing unit launches a browser. The browser uses a target specification stored in the Electronic Programming Guide to activate a target resource containing the supplemental content for enhancing the broadcast program. The target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed. Embedding the layout instructions in the supplemental content places control of the presentation with the content developers. The developers are free to arrange the data and video in any manner they choose (Abstract of Shoff). The user has no control of the presentation of the broadcast video programs or the supplemental content.

U.S. Patent No. 5,948,061 to Merriman et al.

U.S. Patent No. 5,948,061 to Merriman et al. ("Merriman") teaches a method for targeting the delivery of advertisements over the Internet. Statistics are compiled on individual users and networks and the use of the advertisements is tracked to permit targeting of the advertisements of individual users. In response to requests from

affiliated sites, an advertising server transmits to people accessing the page of a site an appropriate advertisement based upon profiling of users and networks.

The Examiner Has Not Established a *Prima Facie* Case of Obvious

In the Final Office Action of January 25, 2008, the Examiner acknowledges that Shoff does not teach said interactive information interface retrieving information from a network in response to the reception of broadcast information conforming to a user preference as recited in claim 1. However, the Examiner states that:

the combination of Shoff in view of Merriman results in Shoff's link being broadcast along with a television signal and subsequently causing a webpage to be displayed. Merriman's advertisements are selected based on how many times an ad has already been viewed by a user. Shoff's link qualifies as broadcast information conforming to a user preference because the link being broadcasted is associated with the television programming a user chooses to watch.

However, claim 1 has been amended herein to recite that the interactive information interface retrieves information from a network in response to the reception of broadcast information, and that the information being retrieved is selected by the user using the user selectable element of the image. Automatically selecting advertisements based on how many times an ad or channel has already been viewed by a user, as in the Examiner's proposed combination, is not the same as the user explicitly selecting what interactive information will be displayed in response to particular broadcast content, as in amended claim 1. Nowhere does either Shoff or Merriman disclose or suggest that the user explicitly selects what interactive information will be displayed in response to particular broadcast content. Shoff merely embeds the supplemental content and layout instructions within the broadcast stream so that there can be no user-preferences

involved and Merriman makes no mention whatsoever of broadcasting anything. For this reason, amended claim 1 patentably defines over Shoff in view of Merriman. None of the other cited prior art makes up for this deficiency in Shoff and Merriman.

With regard to claim 16, the Examiner states that:

Merriman teaches tracking links activated using cookies (personalized indicia). Shoff teaches sending hypertext in a separate channel from the broadcast. Furthermore, it is well-known in the art to use separate out-of-band channels to send data. It is well known in the art that cookies are sent using hypertext protocol, therefore it would be obvious to include Merriman's cookies with Shoff's hypertext in the separate channel.

However, claim 16 has been amended herein to recite receiving personalized indicia within at least an out-of-band portion of a television signal and altering the broadcast content according to the personalized indicia. Neither Shoff nor Merriman discloses or suggests the altering of the broadcast content according to personalized indicia. The broadcast television signal of Shoff is prearranged by the developers prior to being broadcast. The user has no control of the arrangement of either the broadcast video programs or the supplemental content. By selecting a particular channel, the user simply selects a portion of the prearranged broadcast content to be displayed on a television. Shoff makes no mention of altering the broadcast television signal in any way. Similarly, Merriman simply targets advertisements based on the user's prior use of advertisements. Thus, Merriman selects a portion of the available advertising content and sends the selected content to the user. Merriman does not alter or modify the selected advertising content in any way. Thus, neither Shoff nor Merriman discloses or suggests altering broadcast content according to the personalized indicia as recited in amended claim 16. For this reason, claim 16, as amended, patentably defines over

Shoff in view of Merriman. None of the other cited prior art makes up for this deficiency in Shoff and Merriman.

Additionally, nowhere does either Shoff or Merriman disclose the Examiner's proposed concept of personalized indicia or cookies being carried within the out-of-band portion of a TV signal at all. The Examiner offers no support whatsoever for the assertion that it would be obvious to include Merriman's cookies with Shoff's hypertext in the separate channel. Nowhere in any of the prior art is such a combination suggested. 35 U.S.C. §103(a) requires that the combination would have been obvious at the time the invention was made to a person having ordinary skill in the art. The Examiner has not provided any support that it would have been obvious, or even possible, at the time of the invention, to send personalized cookies to viewers of a television broadcast using out-of-band channels. For this additional reason, claim 16 patentably defines over Shoff in view of Merriman.

As such, claims 1 and 16 patentably define over the applied art. The dependent claims of the present application, therefore, also distinguish over the applied art for at least the reasons set forth above with respect to independent claims 1 and 16.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests that Office to issue a Notice of Allowance at the earliest possible data. The Examiner is invited to contact applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,
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by:

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Date

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